

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

OTSUKA PHARMACEUTICAL CO.,  
LTD.,

Plaintiff,

v.

SANDOZ, INC., et al.,

Defendants.

CONSOLIDATED CIVIL ACTION  
NO. 07-1000 (MLC)

**ORDER**

**RECEIVED**

**JUL 26 2010**

AT 8:30 \_\_\_\_\_ M  
WILLIAM T. WALSH  
CLERK

**THE COURT** having held an oral hearing on certain motions in limine on July 23, 2010; and the parties' counsel being present; and for the reasons stated on the record; and for good cause appearing;

**IT IS ORDERED** that the motion in limine to exclude the testimony of Mark Altmeyer (dkt. entry no. 315) is **GRANTED** as to the ANDA trial scheduled to commence on August 4, 2010; and

**IT IS FURTHER ORDERED** that the motion in limine to preclude the plaintiff from using any documents or deposition testimony originating from stayed defendants Sun Pharmaceutical Industries, Ltd. and Sandoz Inc. (dkt. entry no. 316) is **GRANTED**, with leave to plaintiff Otsuka to make further applications with respect to such evidence; and

**IT IS FURTHER ORDERED** that the motion in limine to exclude the Nakagawa Declaration from defendants' patent invalidity

defenses and counterclaims (dkt. entry no. 317) is **DENIED WITHOUT PREJUDICE**; and

**IT IS FURTHER ORDERED** that the motion in limine to exclude evidence of secondary considerations (dkt. entry no. 318) is **DENIED**; and

**IT IS FURTHER ORDERED** that the motion in limine to preclude certain testimony of defendants' experts (dkt. entry no. 319) is **DENIED WITHOUT PREJUDICE**.

s/ Mary L. Cooper  
**MARY L. COOPER**  
United States District Judge